

**EXPEDITED PROCEDURE UNDER 37 CFR § 1.116**  
**GROUP ART UNIT 2113; EXAMINER J. Manoskey**  
**PATENT**

**IBM Docket No. POU920010013US1**

**10/028,525**

**REMARKS**

Insofar as the affidavit submitted herewith together with the included documentation clearly demonstrate that each and every step of at least one claim of the present invention (here Claim 1) had been reduced to practice prior to the filing date of the patent to Chen (U. S. Patent No. 6,892,321 issued May 10, 2005), this should effectively remove this document as a reference supporting the rejection of applicants' claims under 35 USC § 102(e). Note that the art cited by the Examiner was a published U. S. patent application (US 2003/0018926 A1) that has now matured into the patent cited herein.

It is also noted that applicants' arguments distinguishing the present claims from the teachings of Chen are repeated herein. Those of ordinary skill in the art who are familiar with the teachings of Chen would conclude that there is no specific teachings therein that running applications are not terminated during their recited recovery process which is, in fact, for this reason a significant improvement over the process of Chen. Insofar as the patent to Chen and the subject application are assigned to the same assignee, it is noted that applicants herein are in a uniquely positive position for understanding and for commenting upon the teachings found in the cited document.

It is noted that the one change requested herein for Claim 4 is solely intended for purposes of clarification so that the language of the claim more closely tracks the language extant in the specification.

It is also noted that the present response is being submitted within the two-month window specified by 37 CFR § 1.136(a). In this regard it is noted that the

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due date fell on a weekend which was followed by a national holiday recognized by the District of Columbia, namely, July 4, 2005. Accordingly, it is respectfully requested that the Examiner provide applicant with an Advisory Action by August, 2005. It is further noted that the present response does not require the payment of any fees.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicants have argued herein that such amendment was made to distinguish over a particular cited document or combination of documents.

Accordingly, it is now seen that all of the applicants' claims are in condition for allowance. Therefore, early notification of the allowability of applicants' claims is earnestly solicited. Furthermore, if there are any matters which the Examiner feels could be expeditiously considered and which would forward the prosecution of the instant application, applicants' attorney wishes to indicate his willingness to engage in any telephonic communication in furtherance of this objective. Accordingly, applicants' attorney may be reached for this purpose at the numbers provided below.

Respectfully Submitted,

July 5, 2005  
Date

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